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Atorneys for Defendants
Landmark Towne Center, LLC; Aglos, LLC; Dinky, LLC; and GF Liberty, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NICOLE MOSS, an individual; and
DISABILITY RIGHTS,
ENFORCEMENT, EDUCATION,
SERVICES: HELPING YOU HELP
OTHERS, a California public benefit
corporation

CASE NO. C06-6356

vs.
MANILA BAY CUISINE;
LANDMARK TOWNE CENTER,
LLC, a Delaware limited liability
company; AGLOS, LLC, a Delaware
limited liability company; DINKY,
LLC, a Delaware limited liability
company; GF LIBERTY, LLC, a
Delaware limited liability company;
CRIMSUN, INC., a California
corporation,

**DEFENDANTS' APPLICATION
FOR ATTORNEYS FEES AND
COSTS FOR OPPOSING
PLAINTIFF MOSS'S MOTION TO
ALTER OR AMEND JUDGMENT;
AND SUPPORTING
DECLARATION OF BENJAMIN R.
EHRHART**

Defendants.

1 Pursuant to the Court's February 12, 2008, Order vacating the Court's previous
2 September 13, 2007 Order dismissing the above-entitled defendants Landmark Towne
3 Center, LLC; Aglos, LLC; Dinky, LLC; and GF Liberty, LLC's ("Defendants") hereby
4 submit this application and the attached declaration in support of this request for
5 \$2,792.16 in attorney's fees and costs incurred in opposing the Plaintiff Moss's Motion
6 to Alter or Amend Judgment.

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8 Dated: February 19, 2008

Respectfully submitted,

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11 Benjamin R. Ehrhart
12 Steyer Lowenthal Boodrookas Alvarez & Smith LLP
13 One California Street, Ste. 300
14 San Francisco, California 94111
15 Telephone: (415) 421-3400
16 Facsimile: (415) 421-2234

17 Attorney for Defendant
18 Landmark Towne Center, LLC; Aglos, LLC; Dinky,
19 LLC; and GF Liberty, LLC

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DECLARATION OF BENJAMIN R. EHRHART

I, Benjamin R. Ehrhart, declare:

1. I am an attorney licensed to practice in the State of California and am an
 2 associate at the law firm of Steyer Lowenthal Boodrookas Alvarez & Smith LLP, attorneys of
 3 record for Defendants Landmark Towne Center, LLC; Aglos, LLC; Dinky, LLC; and GF
 4 Liberty, LLC ("Defendants"). I know all of the facts and if called and sworn as a witness, I
 5 could and would competently testify to the same.

2. Attached hereto as Exhibit 1 is a true and correct copy of the firm's billing
 3 records to Plaintiff for legal services rendered in the above-entitled matter for opposing
 4 Plaintiff Moss's Motion to Alter or Amend Judgment. Defendants do not intend by submitting
 5 these invoices to waive any attorney-client privilege or work product protections.

3. Steyer Lowenthal is a well established and highly regarded firm specializing
 4 in, among other areas, commercial and real estate litigation. I am an associate with the firm
 5 and I am the attorney primarily responsible for much of the work in this case. Jeffrey H.
 6 Lowenthal is a founding partner of the firm and has over 20 years of complex commercial and
 7 real estate litigation experience in the San Francisco Bay Area. Jessica Grannis and I have over
 8 2 years of experience in, among other things, general commercial and real estate litigation. Mr.
 9 Lowenthal was the billing partner on this case and supervised all of the work reflected in
 10 invoices attached as Exhibit 1.

4. Partner Jeffrey H. Lowenthal's (JHL) hourly rate for this matter is \$395;
 5 Associate Jessica Grannis's (JCG) hourly rate for this matter is \$210; and Associate Benjamin
 6 Ehrhart's (BRE) hourly rate for this matter is \$210. These rates are reasonable, and the fees set
 7 forth in Exhibit 1 were reasonably incurred in opposing said motion. In my experience are quite
 8 reasonable and well within the range of fees charged by comparably experienced litigators in
 9 San Francisco.

5. Attorneys fees in opposing said motion are in the amount of \$3,767.50 (17
 6 hours at \$210 per hour and .50 hours at \$395). Defendants also incurred \$74.66 in costs

1 (\$59.36 delivery costs, \$3.60 copying costs and \$11.70 in research costs). The total cost in
2 opposing said motion is \$3,842.16.

3 6. Jessica Grannis, the associated originally handling the above referenced matter
4 left Steyer Lowenthal Boodrookas Alvarez & Smith, LLP in December 2007. In January 2008 I
5 was hired as an associate and began handling matters formerly assigned to Ms. Grannis. As a
6 result of this transition, I spent more time in reviewing the file and preparing for the Motion to
7 Amend or Alter Judgment than Ms. Grannis would have in the normal course of practice. In
8 recognition of the additional time I spent on this matter, the firm has reduced time billed to
9 prepare for the hearing by \$1050.00 (representing 5 hours of my time billed at \$210 per hour).

10 7. Defendants will incur a bill in fees and costs in the amount of \$2,792.16.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct and that this declaration was executed on this 19th day of February
13 2008, at San Francisco, California.

Bryan R. Chant

Benjamin R. Ehrhart

2/15/2008
5:05 PM**Steyer Lowenthal Boodrookas Alvarez & Smith LLP attorneys****ATTORNEY HOURS - SHELTER.SANBRUNO-MOSS**

Page 1

Totals for	Billable Time Spent	Billable Slip Value	Unbillable Time Spent	Unbillable Slip Value
BRE	8.75	\$1,837.50	0.00	\$0.00
JCG	8.25	\$1,732.50	0.00	\$0.00
JHL	0.50	\$197.50	0.00	\$0.00
Grand Total	17.50	\$3,767.50	0.00	\$0.00

2/15/2008
5:04 PMSteyer Lowenthal Boodrookas Alvarez & Smith LLP attorneys
Slip Listing

Page 1

Rate Info - identifies rate source and level

Slip ID Dates and Time Posting Status Description	Attorney Services Client	Units DNB Time	Rate Rate Info Bill Status	Slip Value
		Variance		
<u>Client: SHELTER.SANBRUNO-MOSS</u>				
180345 11/12/2007 Billed	TIME G:33656 12/10/2007 SHELTER.SANBRUNO	JCG PRE 0.00	2.50 0.00 0.00	210.00 T@6 525.00
PREPARE OPPOSITION MOTION TO VACATE.				
180356 11/13/2007 Billed	TIME G:33656 12/10/2007 SHELTER.SANBRUNO	JCG PRE 0.00	4.00 0.00 0.00	210.00 T@6 840.00
PREPARE OPPOSITION TO PLAINTIFF'S MOTION TO VACATE DISMISSAL.				
179953 11/14/2007 Billed	TIME G:33656 12/10/2007 SHELTER.SANBRUNO	JHL PRE 0.00	0.50 0.00 0.00	395.00 T@6 197.50
PREPARE - OPPOSITION TO MOTION FOR RELIEF.				
180460 11/21/2007 Billed	TIME G:33656 12/10/2007 SHELTER.SANBRUNO	JCG REVISE 0.00	1.50 0.00 0.00	210.00 T@6 315.00
REVISE AND E-FILE OPPOSITION OF MOTION TO DISMISS.				
180466 11/28/2007 Billed	TIME G:33656 12/10/2007 SHELTER.SANBRUNO	JCG REVIEW 0.00	0.25 0.00 0.00	210.00 T@6 52.50
REVIEW CLERK'S NOTICE; RE-CALENDAR CONTINUED HEARING.				
184651 1/25/2008 WIP	TIME G:33656 12/10/2007 SHELTER.SANBRUNO	BRE OTHER SHELTER.SANBRUNO	1.00 0.00 0.00	210.00 T@6 210.00
RECEIVE AND REVIEW REPLY TO OUR OPPOSITION TO AMEND JUDGMENT; REVIEW FILE IN PREPARATION FOR FEBRUARY 12, 2008 HEARING.				
185856 2/11/2008 WIP	TIME G:33656 12/10/2007 SHELTER.SANBRUNO	BRE REVIEW SHELTER.SANBRUNO	3.00 0.00 0.00	210.00 T@6 630.00
REVIEW FILE, COMPLAINT, CORRESPONDENCE; REVIEW MOTION TO ALTER JUDGMENT PAPERS; RESEARCH LAW ON NON-FRIVOLOUS REASON AND PREJUDICE.				
185857 2/12/2008 WIP	TIME G:33656 12/10/2007 SHELTER.SANBRUNO	BRE OTHER SHELTER.SANBRUNO	4.75 0.00 0.00	210.00 T@6 997.50

2/15/2008
5:04 PMSteyer Lowenthal Boodrookas Alvarez & Smith LLP attorneys
Slip Listing

Page 2

Slip ID	Attorney	Units	Rate	Slip Value
Dates and Time	Services	DNB Time	Rate Info	
Posting Status	Client		Bill Status	
Description		Variance		
TRAVEL TO AND FROM MANILA BAY ATTORNEY; ATTEND MOTION TO VACATE; PREPARE FOR MOTION TO VACATE; TELEPHONE - CO-COUNSEL.				
Total: SHELTER.SANBRUNO-MOSS				
	Billable	17.50	3767.50	
	Unbillable	0.00	0.00	
	Total	17.50	3767.50	
Grand Total				
	Billable	17.50	3767.50	
	Unbillable	0.00	0.00	
	Total	17.50	3767.50	

2/14/2008
4:30 PM

**Steyer Lowenthal Boodrookas Alvarez & Smith LLP attorneys
Slip Listing**

Page 1

Selection Criteria

Slip.Transaction Dat 11/1/2007 - 2/14/2008
Slip.Classification Open
Clie.Selection Include: SHELTER.SANBRUNO-MOSS
Slip.Transaction Typ 2 - 2

Rate Info - identifies rate source and level

Slip ID		Attorney	Units	Rate	Slip Value
Dates and Time		Services	DNB Time	Rate Info	
Posting Status		Client		Bill Status	
Description			Variance		
181580 11/26/2007 Billed	EXP G:33903	OTHER COSTS \$MESSENGER SHELTER.SANBRUNO- ONE HOUR DELIVERY SERVICE, INC.: FILING IN UNITED STATES DISTRICT COURT.	1	59.36	59.36
181884 11/30/2007 Billed	EXP G:33903	OTHER COSTS \$COPYING SHELTER.SANBRUNO- NOVEMBER 2007 COPYING COSTS.	18	0.20	3.60
182276 11/30/2007 Billed	EXP G:33903	OTHER COSTS \$WESTLAW SHELTER.SANBRUNO- WESTLAW: ON-LINE RESEARCH CHARGES FOR NOVEMBER 2007.	1	9.70	9.70
184074 1/7/2008 WIP	EXP	OTHER COSTS \$WESTLAW SHELTER.SANBRUNO- PACER SERVICE CENTER: COURT DOCUMENT RESEARCH OCTOBER THROUGH DECEMBER 2007.	1	2.00	2.00
<hr/>					
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Grand Total					
Billable					
Unbillable					
Total					
74.66					
0.00					
0.00					
74.66					